

**AMENDMENT TO THE AMENDMENT  
IN THE NATURE OF A SUBSTITUTE  
OFFERED BY MR. STUPAK**

**[Title I-Additional requirement for financial holding  
companies]**

Page I-9, after line 24, insert the following new paragraph (and redesignate subsequent paragraphs accordingly):

1           “(2) ADDITIONAL REQUIREMENT.—

2           “(A) IN GENERAL.—If the home State of  
3           any bank holding company, or the home State  
4           of any depository institution subsidiary of a  
5           bank holding company, is a State the laws of  
6           which—

7           “(i) prohibit an out-of-State bank  
8           from—

9           “(I) establishing any de novo  
10           branch in such State; or

11           “(II) otherwise acquiring and  
12           maintaining a branch in such State;  
13           and

1                   “(ii) permit a bank chartered by such  
2                   State to—

3                   “(I) establish a de novo branch  
4                   outside the State; or

5                   “(II) otherwise acquire and  
6                   maintain a branch outside such State,  
7                   such bank holding company may not engage in  
8                   any activity, or directly or indirectly acquire or  
9                   retain shares of any company, under this sec-  
10                  tion.

11                  “(B) DE NOVO BRANCH DEFINED.—For  
12                  purposes of this paragraph, the term ‘de novo  
13                  branch’ has the meaning given such term in  
14                  section 18(d)(4)(C) of the Federal Deposit In-  
15                  surance Act.